

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION**

NETLIST, INC.,

Plaintiff,

v.

**MICRON TECHNOLOGY, INC.,
MICRON SEMICONDUCTOR
PRODUCTS, INC., MICRON
TECHNOLOGY TEXAS LLC,**

Defendants.

Civil Action No. 6:21-CV-00430-ADA

**DEFENDANTS' STIPULATION OF
INVALIDITY CONTENTIONS FOR U.S. PATENT NO. 8,301,833**

Defendants Micron Technology, Inc., Micron Semiconductor Products, Inc., and Micron Technology Texas LLC (“Micron” or “Defendants”) anticipate filing petition no. IPR2022-00418 with the Patent Trial and Appeal Board today, January 14, 2022, requesting *inter partes* review of U.S. Patent No. 8,301,833 (“the ’833 patent”).

The petition will assert the following grounds of invalidity:

- 1) claims 1 and 15 of the ’833 patent are unpatentable as obvious under the doctrine of collateral estoppel; and
- 2) claim 1, 3-17, and 19-30 would have been obvious to a person of ordinary skill in the art (“POSITA”) under 35 U.S.C. § 103 in view of U.S. Patent App. Pub. No. 2010/0110748 to Best (“Best”) in view of U.S. Patent App. Pub. No. 2007/0136523 to Bonella et al. (“Bonella”) and U.S. Patent No. 6,026,465 to Mills et al. (“Mills”).

Defendants hereby stipulate that if the Patent Trial and Appeal Board institutes *inter partes* review in IPR2022-00418, then Defendants will not assert invalidity of claims 1, 3-17, and 19-30 of the ’833 patent in this case based on Ground 2 listed above, or any other ground asserting the Best, Bonella, or Mills references alone or in combination with any other reference, except as those three references relate to collateral estoppel.

This stipulation is not intended and should not be construed to limit Defendants’ ability to assert invalidity of the claims of the ’833 patent in this case on any ground other than Ground 2 listed above regardless of whether *inter partes* review is instituted. The stipulation also is not intended and should not be construed to limit Defendants’ ability to reference the Best, Bonella, or Mills references as background or with respect to other issues, such as claim construction or non-infringement.

Dated: January 14, 2022

Respectfully submitted,

By: /s/ Michael Rueckheim

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**ATTORNEYS FOR DEFENDANTS
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CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the above and foregoing document on all counsel of record via the Court's ECF system on January 14, 2022.

/s/ Michael R. Rueckheim
Michael R. Rueckheim